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PART II.

JUDICIAL DEPARTMENT.

IN THE CHIEF COURT OF MYSORE AT BANGALORE.

CIVIL SIDE.

Rule of Practice No. 149, *dated* 10*th July* 1911.

The following rules prescribed by the Chief Court in regard to the classification, arrangement, custody, preservation and destruction of the records of Civil Proceedings of Courts subordinate thereto and which have received the sanction of Government shall come into force from 1st August 1911.

SECTION I.

The Classification of Records.

1. The records of Judicial Proceedings, whether suits or cases, are divided into four classes.

2. Class I includes records of—

(*a*) Suits for or affecting immovable property, including suits for foreclosure, sale or redemption.

Exception.—Suits under Section 9 of the Specific Relief Act should be included not in this class but in class III.

(*b*) Suits in respect of the succession to an office, or to declare the validity or invalidity of an adoption, or otherwise to determine the status of an individual.

(*c*) Suits relating to public trusts, charities, endowments, rights or customs.

3. Class II includes records of—

(*a*) Contested and uncontested suits and cases for Probate and Letters of Administration and for the revocation of the same.

(*b*) Cases relating to the guardianship of minors and the administration of their property.

(*c*) Cases relating to the guardianship of lunatics and the care of their estates.

Note.—An application by an executor or administrator, or by the guardian of a minor or lunatic to sell, mortgage, etc., property belonging to the estate, is an application in the case and together with all the proceedings connected with it must form part of the record of the case.

(*d*) Cases under the Succession Certificate Regulation, 1901.

(*e*) Insolvency cases.

4. Class III includes records of all suits and miscellaneous cases which do not come under class I or class II.

5. Class IV includes—

Proceedings on an application to execute a decree.

Note.—Under the law all such proceedings are proceedings in the suit and they must be instituted as such; but for the purpose and ultimate disposal of the record, each application for execution shall be treated as a separate case, the record of which shall include the papers on all matters connected with the execution from the date on which the application was presented until it is finally disposed of.

SECTION II.

The Arrangement of the Record during Trial.

6. Every record under class I shall consist of three files to be styled and marked respectively File A, File C and File D.

7. File A shall contain the undermentioned papers which shall be arranged in the following order:—

(*a*) Table of contents.

(*b*) The Order sheet.

(*c*) The plaint or application together with any schedule annexed thereto.

(*d*) Any process served upon the defendant together with the return of service in cases decreed *ex-parte*.

(*e*) Written statements.

(*f*) The memorandum of issues.

(*g*) Any award of arbitrators or petition of compromise if given effect to in the decree; also the report together with the map (if any) of a commissioner in matters relating to immovable property, if referred to or given effect to in the decree, but not any portion of the evidence taken by such commissioner; also in the case of minors or lunatics any order of the Court sanctioning a compromise as beneficial to the minor or lunatic.

(*h*) Any order for administration or for partition or for accounts or inquiry with the directions given and the judgment upon which such order is founded.

(*i*) The judgment or final order.

(*j*) The preliminary decree (if any) and the final decree.

(*k*) The copy of any judgment and decree passed on appeal or revision.

(*l*) Any other paper which the presiding Judge may, for reasons to be recorded in writing, order to be placed in File A.

8. File C shall contain—

(*a*) Table of contents.

(*b*) Lists of documents admitted in evidence.

(*c*) All the evidence, oral and documentary, upon which the subject-matter of the suit is decided.

(*d*) All petitions and papers not specified as included in any other file.

9. File D shall contain—

(*a*) Table of contents.

(*b*) All summonses, processes, returns thereto, lists of witnesses, petitions relating to the attendance of witnesses or adjournments, proceedings calling for or sending papers or records and affidavits relating to matters mentioned in this rule.

10. Every record under class II shall consist of one file to be styled and marked File B, which shall contain all the papers relating to the case.

11. Every record under class III shall consist of one or two files according as the presiding Judge shall in each instance direct. If there is one file it shall be styled and marked File C, if there are two files, they shall be styled and marked File C and File D. When there is only one file it shall contain all the papers relating to the case. Where there are two files, File C shall contain the papers specified as included in Files A and C of class I, and File D shall contain the papers specified as included in File D of class I.

Note.—In deciding whether there shall be one or two files the Judge shall have regard to the nature of the case and the size to which the record is likely to attain.

12. The papers in File C of class III will be arranged in the following manner:—

The papers which would belong to File A if the case were of class I will be placed in the order prescribed for File A; then will follow the papers which would belong to File C. The papers which would belong to File D will, if File D is not prepared, be put last of all.

13. Every record under class IV shall, except in the cases specified below, consist of one file to be styled and marked File C, which shall contain all the papers relating to the case. If the application is to execute a decree in a suit included in class I and a question is determined as to the construction of the decree or its effect as regards all or any of the parties thereto, or if possession is given of immovable property in pursuance of the decree, the record shall, as soon as the application is finally disposed of, be divided into two files to be styled and marked respectively File A and File C.

In that case File A shall contain—

(*a*) Table of contents.

(*b*) The Order sheet.

(*c*) The application for execution.

When a question as to the construction, effect, or scope of the decree is raised and determined.

(*d*) The petition raising any question as to the construction or effect of the decree and any counter-petition.

(*e*) The judgment of the Court on such question.

(*f*) The copy of any judgment passed on appeal or revision.

When possession of immovable property is given in pursuance of the decree.

(*g*) The Nazir's return of delivery of possession.

File C shall contain all other papers.

14. The record of the Appellate Court shall be arranged in the same way as that of the Court of original jurisdiction except that there shall be no D file, the papers which would belong to the D file being attached to the C file. The copies of judgment and decree filed with the memorandum of appeal shall be placed in the C file.

The files shall be marked A, B or C as in the Court of first instance, according to the nature of the suit or case.

15. The pleadings, applications and proceedings in every suit or case shall, as far as possible, be attached to the file to which they belong as the trial proceeds and shall be arranged in the order in which they are brought before the Court.

16. The depositions of witnesses shall be arranged in the order in which they are given.

17. The distribution of the papers into the proper files must in all cases be made before the record is deposited in the Central Record-room, the object being to avoid the necessity of sorting the papers in the Record-room and to enable the Record-keeper to know at once by referring to the title page what files can be destroyed at any given time.

18. A specimen form of the table of contents, which is the first paper in each file is appended:—

Table of contents.

Suit (or case) No. of

Class— File—

Serial number of paper	Sheets	Description	Value of Court-fee stamps	Remarks
1	2	3	4	5
1	1—3	Order sheet	...	
2	4—5	Plaint	50	
3	6—8	Written statement ...	...	
4	9	Memorandum of issues	...	
5	10—12	Judgment	...	
6	13—14	Decree	...	
Total value of Court-fee stamps		On plaint	50	
		On other papers	...	

Exhibits are not to be shown in the table of contents. The lists which are attached to them will alone be shown in the table and will bear serial and sheet numbers.

19. To each file of every record under classes I, II and III there shall be prefixed a title page in the following form :—

Title Page.

Class— File—
In the Court of the..... .....of.....
Suit (or case) No. .....of.....
Name of first plaintiff (or applicant)—
Name of first defendant (or opponent)—
Date of decision—

20. To each file of every record under class IV there shall be prefixed a title page in the following form :—

Title Page.

Class IV File.
In the Court of the..... of.....
Execution Case No. .....of.....
Original Suit No. .....of.....
Name of first decree-holder—
Name of first judgment-debtor—
Date of disposal—

21. The title pages shall be of different colours :—

The A File title page shall be white.
The B File title page shall be red.
The C File title page shall be yellow.
The D File title page shall be blue.

SECTION III.

The Transmission of Records to the Central Record Room.

22. The records of all cases (Regular and Small cause suits, Miscellaneous cases, Execution cases and Appeals) disposed of in each Court shall be retained in that Court for a period of three clear months after disposal. At the commencement of the fourth month the records will be forwarded to the Central Record Room. Thus the cases disposed of in January will be despatched at the commencement of May and so on.

23. Each monthly bundle of records will be accompanied by lists showing the disposal of (1) Regular suits, (2) Small cause suits, (3) Miscellaneous cases, (4) Execution cases and (5) Appeals during the month. The particulars of all cases disposed of must be entered in the lists and when for any reason a record is kept back a note to that effect will be made in the column of remarks.

24. The lists shall be in the following form :—

List of... { Regular suits / Small cause suits / Miscellaneous cases / Execution cases / Appeals } { disposed of in the Court of the ....of ..... during the month of..... 19 . }

Serial number of disposal	Date of disposal	Serial number in Court register with year	Plaintiff, applicant, decree-holder or appellant	Defendant, opponent, judgment-debtor or respondent	Remarks
1	2	3	4	5	6

Note.—The serial number (column 1) is an annual number and will correspond with the number column 1 of the Record Room register.

25. On the arrival of the records in the Central Record Room the Record-keeper will ascertain that the records correspond with those entered in the lists, that the contents of each file correspond with the table of contents, that the papers bear the Court-fee stamps shown in such table and that the stamps have been duly cancelled. He shall also cause the stamps to be again punched with the triangular punch provided for that purpose.

26. The Record-keeper will bring to the notice of the District Judge any irregularities that may have occurred in connection with the arrangement or despatch of the records or in regard to the cancellation of the stamps.

27. When a record is removed from the Central Record Room for any purpose, the Record-keeper will enter, in a register to be kept for that purpose, a note of the number of the case, the names of the parties, the designation of the Court or officer to which or to whom the record is sent and the date of its removal. On the return of the record the Record-keeper will note in the same register the date of the return.

SECTION IV.

The Preservation and Destruction of Records.

28. The A Files shall be preserved for ever.

The B Files shall be destroyed at the end of 25 years.

The C Files shall be destroyed at the end of 12 years.

The D Files shall be destroyed at the end of 3 years.

29. The above periods shall be calculated as regards suits or cases of classes I, II and III from the date of the final decree or order which in cases appealed will be that of the Appellate Court.

30. In cases of class IV the period shall be reckoned from the date on which the application for execution was finally disposed of by the Court executing the decree, or by a Court of appeal, whichever is the later date. For the purposes of this rule each execution record shall be dealt with separately, irrespective of any other application to execute the same decree or order.

31. The destruction of all papers shall be effected by burning in the presence of the Record-keeper and of a responsible officer not below the rank of Sheristadar.

32. A note of every file destroyed under the above rules shall be made at the time of destruction in the register in which the case is entered under the signature of the Record-keeper.

This Rule of Practice supersedes Rule of Practice No. 122, dated 26th September 1905, as amended by *addendum* et *corrigendum*, dated 29th July 1909, except table D and the portion relating to the Central Record Rooms contained in the appendix to the said Rule of Practice.

V. A. RAJARATNA MUDALIAR,
Registrar.